

BOIES SCHILLER FLEXNER LLP
RICHARD J. POCKER (NV Bar No. 3568)
300 South Fourth Street, Suite 800
Las Vegas, NV 89101
Telephone: 702.382.7300
Facsimile: 702.382.2755
rpocker@bsflfp.com

BOIES SCHILLER FLEXNER LLP
WILLIAM ISAACSON (*pro hac vice*)
KAREN DUNN (*pro hac vice*)
1401 New York Avenue, NW, 11th Floor
Washington, DC 20005
Telephone: (202) 237-2727
Facsimile: (202) 237-6131
wisaacson@bsflfp.com
kdunn@bsflfp.com

BOIES SCHILLER FLEXNER LLP
STEVEN C. HOLTZMAN (*pro hac vice*)
BEKO O. REBLITZ-RICHARDSON
(*pro hac vice*)
1999 Harrison Street, Suite 900
Oakland, CA 94612
Telephone: 510.874.1000
Facsimile: 510.874.1460
sholtzman@bsflfp.com
brichardson@bsflfp.com

MORGAN, LEWIS & BOCKIUS LLP
BENJAMIN P. SMITH (*pro hac vice*)
JOHN A. POLITO (*pro hac vice*)
SHARON R. SMITH (*pro hac vice*)
One Market, Spear Street Tower
San Francisco, CA 94105
Telephone: 415.442.1000
Facsimile: 415.442.1001
benjamin.smith@morganlewis.com
john.polito@morganlewis.com
sharon.smith@morganlewis.com

DORIAN DALEY (*pro hac vice*)
DEBORAH K. MILLER (*pro hac vice*)
JAMES C. MAROULIS (*pro hac vice*)
ORACLE CORPORATION
500 Oracle Parkway, M/S 5op7
Redwood City, CA 94070
Telephone: 650.506.4846
Facsimile: 650.506.7114
dorian.daley@oracle.com
deborah.miller@oracle.com
jim.maroulis@oracle.com

*Attorneys for Plaintiffs Oracle USA, Inc.,
Oracle America, Inc., and Oracle
International Corp.*

GIBSON, DUNN & CRUTCHER LLP
MARK A. PERRY (*pro hac vice*)
1050 Connecticut Avenue, N.W.
Washington, DC 11101
Telephone: 202.955.8500
mperry@gibsondunn.com

GIBSON, DUNN & CRUTCHER LLP
JEFFREY T. THOMAS (*pro hac vice*)
BLAINE H. EVANSON (*pro hac vice*)
JOSEPH A. GORMAN (*pro hac vice*)
CASEY J. MCCrackEN (*pro hac vice*)
3161 Michelson Drive
Irvine, CA 92612-4412
Telephone: 949.451.3800
bevanson@gibsondunn.com
jgorman@gibsondunn.com
cmccracken@gibsondunn.com

GIBSON, DUNN & CRUTCHER LLP
SAMUEL G. LIVERSIDGE (*pro hac vice*)
ERIC D. VANDEVELDE (*pro hac vice*)
333 South Grand Avenue
Los Angeles, CA 90071-3197
Telephone: (213) 229-7000
sliversidge@gibsondunn.com
evandeveld@gibsondunn.com

RIMINI STREET, INC.
DANIEL B. WINSLOW (*pro hac vice*)
6601 Koll Center Parkway, Suite 300
Pleasanton, CA 94566
Telephone: (925) 264-7736
dwinslow@riministreet.com

RIMINI STREET, INC.
JOHN P. REILLY (*pro hac vice*)
3993 Howard Hughes Parkway, Suite 500
Las Vegas, NV 89169
Telephone: (336) 908-6961
jreilly@riministreet.com

HOWARD & HOWARD ATTORNEYS
PLLC
W. WEST ALLEN (Nevada Bar No. 5566)
3800 Howard Hughes Parkway, Suite 1000
Las Vegas, NV 89169
Telephone: (702) 667-4843
wwa@h2law.com

*Attorneys for Defendants Rimini Street, Inc.
and Seth Ravin.*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATE DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC.; a Colorado
corporation; ORACLE AMERICA, INC.; a
Delaware corporation; and ORACLE
INTERNATIONAL CORPORATION, a
California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada
corporation; and SETH RAVIN, an
individual,

Defendants.

CASE NO. 2:10-CV-0106-LRH-VCF

**JOINT ORDER REGARDING
POST INJUNCTION CUSTODIAL
DISCOVERY**

1 **[PROPOSED] ORDER**

2 Pending before this Court is Oracle's Motion To Compel Re Post-Injunction Requests For
3 Production (ECF No. 1237). Having considered the Parties' respective positions therein,
4 including at the hearing conducted on September 3, 2019, and good cause existing:

5 **IT IS HEREBY ORDERED:**

- 6 1. Oracle's Motion To Compel Re Post-Injunction Requests For Production (ECF No. 1237)
7 is **GRANTED in part and DENIED in part**.
- 8 2. By September 6, 2019, Oracle must provide Rimini with 10 custodians and 120 search
9 terms, which Rimini must use for its custodial productions. Oracle shall have complete
10 discretion in selecting the custodians and search terms.
- 11 3. By September 16, 2019, Rimini must make its first weekly rolling production of non-
12 privileged custodial documents. Rimini must continue to produce non-privileged custodial
13 documents on a rolling basis every seven days thereafter.
- 14 4. The deadlines for discovery, initial expert disclosure, rebuttal expert disclosure, and
15 Oracle's filing of a motion for order to show cause set forth in this Court's June 21, 2019
16 Order (Dkt. 1232) are **VACATED**, and this Court will conduct a status conference on
17 October 7, 2019, at 1:00 p.m.
- 18 5. If requested by Oracle, Rimini must, to the best of its ability, review and produce
19 documents by custodian in the order specified by Oracle.
- 20 6. For each weekly production and (if any) each weekly privilege log, counsel of record for
21 Rimini must certify in writing pursuant to Federal Rule of Civil Procedure 26(g)(1)(a):
- 22 a. The number of unique documents reviewed for the production. Two documents are
23 "unique" for purposes of this Order if the documents are identified as non-identical
24 by Rimini's vendor after application of a reasonable de-duping algorithm;
- 25 b. The number of unique documents listed on the privilege log, if any;
- 26 c. The number of attorney hours expended on the production (including hours
27 expended reviewing for privilege and compiling a privilege log); and
- 28 d. The actual amount of fees and costs to be paid by Rimini for the production.
- 25 7. Rimini is responsible for its fees and costs for the first 100,000 unique documents
26 produced or logged as privileged (and fully withheld on grounds of privilege); Oracle and
27 Rimini will share reasonable fees and costs equally for the next 200,000 unique
28 documents produced or logged as privileged (and fully withheld on grounds of privilege),
if applicable; and Oracle will promptly reimburse Rimini's reasonable fees and costs for
evenly


1 all subsequent unique documents produced or logged as privileged (and fully withheld on
2 grounds of privilege), *i.e.*, document 300,001 and beyond, if applicable.

- 3 8. Privilege logs for each weekly production must be served within 21 days of the production
4 to which they relate.
- 5 9. By no later than October 4, 2019 (in advance of the October 7, 2019 status conference),
6 Rimini shall file with the Court its first three custodial production certifications described
7 in Paragraph 6 above.

MORGAN, LEWIS, & BOCKIUS LLP	GIBSON, DUNN & CRUTCHER LLP
By: <u>/s/ John A. Polito</u> John A. Polito <i>Attorneys for Plaintiffs Oracle USA, Inc., Oracle America, Inc. and Oracle International Corporation</i>	By: <u>/s/ Eric D. Vandeveld</u> Eric D. Vandeveld <i>Attorneys for Attorneys for Defendants Rimini Street, Inc. and Seth Ravin.</i>

12
13 IT IS SO ORDERED.

14 DATED September 6
15 _____, _____, 2019

By: 
16 Hon. Cam Ferenbach
17 United States Magistrate Judge
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION OF FILER

The signatories to this document are Eric D. Vandavelde and me, and I have obtained Mr. Vandavelde's concurrence to file this document on his behalf.

Dated: September 5, 2019

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ John A. Polito
John A. Polito

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this date, I caused to be electronically uploaded a true and correct
3 copy in Adobe “pdf” format of the above document to the United States District Court’s Case
4 Management and Electronic Case Filing (CM/ECF) system. After the electronic filing of a
5 document, service is deemed complete upon transmission of the Notice of Electronic Filing
6 (“NEF”) to the registered CM/ECF users. All counsel of record are registered users.
7

8 DATED: September 5, 2019

9 MORGAN, LEWIS & BOCKIUS LLP

10 By: /s/ John A. Polito
11 John A. Polito

12 *Attorneys for Plaintiffs Oracle USA, Inc., Oracle*
13 *America, Inc. and Oracle International Corporation*
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28